

5 November 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

Attached, in response to your question, is a background memorandum on the situation in St. Augustine, Florida.

In summary, the situation has been quite bad. There has been shooting, beatings, and one killing. The Negro population is 3500 out of 15,000. The Negroes have made some gains, particularly in lunch counters of chain stores, but have been refused a bi-racial committee, and other requests.

The Klan is active. At times the Governor has sent men, including highway patrol, into the area to help maintain order. I believe there are state men in the town now.

I do not see what we can do, unless you would like me to explore the situation through political channels. The only specific request is that the Justice Department investigate the Klan, which is the United Florida KKK. I will ask the Bureau to keep us informed.

RM

Attachment

5. Miscellaneous. There has been continued racial unrest, among other places, in the following towns: St. Augustine, Florida, East Clinton, Louisiana, Plaquemine, Louisiana, Danville, Virginia, Cambridge, Maryland, Williamston, North Carolina, Birmingham, Alabama, and Americus and Albany, Georgia. In Cambridge, order still is maintained only by the presence of the Maryland National Guard. In Danville, East Clinton, and Plaquemine, there has been repressive police action, and the use of state and federal injunctions against demonstrations which will eventually be held to be unconstitutional. Of these three towns, only Danville has made any progress towards meeting the basic problems. In Americus and Albany, Georgia, there are pending federal suits, brought by private parties, which ask for and may obtain federal court injunctions against repressive police actions by local authorities. If these injunctions do issue, the problem will arise of a vacuum in law enforcement.

In Birmingham, the city has still taken no concrete steps towards meeting the problems which gave rise to the demonstrations last spring and the tensions this fall. The indications at the moment are that it is unlikely that any steps will be taken.

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

cc: Deputy Attorney General

c. In either event, the Court will decide these cases as it sees them, regardless of what position the Department takes. Unless public accommodations legislation is passed, the decision could have very far-reaching and serious consequences beginning this summer, whichever way the cases are decided. If the cases are decided in favor of the Negroes, the problem of self help and racial turmoil would be greatly accentuated because the Court would have decided a constitutional right without giving the processes of law any effective way of vindicating the right (this was essentially what caused the Freedom Rides). On the other hand, if the Court decides the cases against the Negroes, there will unquestionably be widespread disillusionment and movement toward accepting the Negro leadership which sees no help from whites. These factors emphasize, of course, the importance of the public accommodations portion of the legislation.

4. Voting. In general, voting cases do not raise serious law enforcement problems. There exists a potential for serious problems in the future, however, in Dallas County, Alabama, and in Mississippi generally. In Dallas County, we presently have two cases seeking injunctive relief against intimidation of registration workers by local officials, including law enforcement officials. In my judgment, we are entitled to such relief. If it is forthcoming, we can expect renewed activity by registration workers among the Negroes, with resulting bitter reaction among whites and a possible void in law enforcement because of injunctions against local officials.

In Mississippi, there is a campaign under way to recruit large numbers of students to work on voter registration next summer. Our prior experience in Mississippi suggests that this will lead to widespread problems.

for the fall of 1964, with resulting serious enforcement problems.

There is also an order against trade schools in Shreveport, and if applications are made, desegregation could be required in these schools almost at any time.

3. Sit-in cases. These are now pending before the Supreme Court. The Supreme Court has instructed the Solicitor General to file a brief on the broad constitutional issue involved, which is whether the owner of a facility otherwise open to the public may constitutionally refuse to serve Negroes and call upon the police to eject any Negro who refuses to leave the premises. The difficulties of the constitutional question, and other consequences of the case, are such that we have been attempting to avoid briefing this basic constitutional issue. Among the factors are the following:

a. If the Court decides in favor of the petitioners (the Negroes), the most that probably would be decided is that the police cannot be called upon by the owner of the facility. Such a decision could, and undoubtedly would in many places, invite the owner of the premises -- or a mob -- to take it upon themselves to deal with any Negroes demanding service. This has already occurred once in Jackson, Mississippi, where the police were instructed not to interfere with a sit-in demonstration.

b. On the other hand, a brief by the Department of Justice rejecting the claims of the Negroes would lead to a very serious breach between Negro groups and the Administration, as well as to a general loss of faith in the ability of whites to understand and to take action dealing with Negro grievances.

but it may be that no execution on that sentence will be necessary until after next November. It is, in my judgment, unlikely that Governor Johnson will be given a jail sentence but this is a matter of speculation.

2. School Desegregation. There are at least four areas of serious difficulty:

a. An order has been entered against Auburn University in Auburn, Alabama, effective for the admission of a Negro student in January, 1964. It may well be that Governor Wallace will again interfere with compliance with this order. Even if he does not, he may create a climate such that the protection of the student and the maintenance of order at the University will be a serious problem.

b. A private school suit has been filed in Jackson, Mississippi, and was dismissed by Judge Mize in June. This case is now on appeal to the Fifth Circuit. It almost certainly will be reversed. It may well be that the Fifth Circuit will require desegregation effective in September, 1964. This will create very serious enforcement problems.

c. Two of the impact-area school suits brought by the Department are in Gulfport and Biloxi, Mississippi. These were also dismissed by Judge Mize and are on appeal. They are set for argument December 5. It is possible, although by no means certain, that Judge Mize will be reversed and that desegregation will be ordered for the fall of 1964. Again, very serious enforcement problems would result.

d. Another impact-area school suit is in Bossier Parish, Louisiana, where Shreveport is located. This is the most bitterly resistant part of Louisiana. The status of the case is similar to those in Gulfport and Biloxi, Mississippi. Again, school desegregation may be ordered

2 December 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

The following are matters in the Civil Rights Division where serious problems may arise between now and next fall, and which you accordingly may wish to call to the attention of the President.

1. Criminal contempt citations against Governor Barnett and Governor-Elect Johnson. These were brought by the Department about a year ago pursuant to an order by the Court of Appeals for the Fifth Circuit directing you to bring such charges. The Fifth Circuit split evenly on the question whether jury trials were required, and certified that question to the Supreme Court. It now awaits decision by the Supreme Court. If the Court holds that jury trials are required, it is doubtful whether convictions can be secured. If the Court holds that jury trials are not required, it is probable that convictions will be secured. We have already indicated that we have no objection to a severance.

It would be desirable to try Barnett first and separately, in order to postpone the problems of trying a governor during his term of office, particularly if the trial takes place outside his state.

It is quite possible that if Barnett is tried without a jury, he will be given a jail sentence.

-2-

Mr. Faubus met the President when he dedicated the Greers Ferry Dam. I thought you would want to see the letter if you hadn't.

27 December 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

**From Burke Marshall**

Sam Faubus, who is the Governor's father, wrote the following letter to the Madison County (Arkansas) Record, which is owned by the Governor and which published the letter:

Combs, Ark.

Dear Editor:

I am stunned and bewildered. I don't seem to be able to realize that the bright-eyed, dark sandy-haired young man that greeted me with a smile and a warm handshake and told me he had received a nice letter from my daughter, Bonnie, in California, only a few days ago, now lies murdered by the hand of an assassin.

When history has rendered its verdict it will place the name of John Fitzgerald Kennedy as one among the greatest Presidents this country has had since the time of Abraham Lincoln. He has done more for peace and freedom in the 3 short years he has been President than any man in our Nation's history.

Children will read about John Fitzgerald Kennedy in their history books for generations to come, and men believing in liberty, justice, and freedom will revere his name throughout the entire world.

Sam Faubus





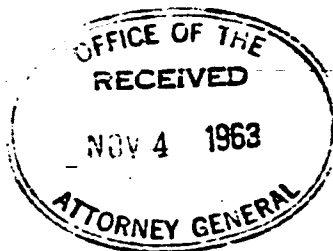
4 November 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

Isn't this enough to turn your  
stomach? Frank Smith sent it to me.

BM

Attachment



*BM*

0 AG  
12 November 1963

Honorable H. L. Riddle, Jr.  
Special Judge  
The Superior Court of North Carolina  
Morganton, North Carolina

Dear Judge Riddle:

The Attorney General asked me to look into the possibility suggested by you of making some use of Dr. Graham in dealing with the race problem. One thought that occurred to me was that he would be of great value as a member of the North Carolina Advisory Committee to the Civil Rights Commission. I wondered if you thought he would be interested in that.

Sincerely,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DEPARTMENT OF JUSTICE



8 November 1963

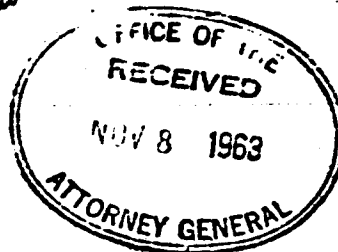
MEMORANDUM FOR THE ATTORNEY GENERAL

My suggestion is that he be named to the North Carolina Advisory Committee to the Civil Rights Commission. I think that could be done.

BM

Attachment

*Write letter and ask him if he  
thinks further would be  
indicated. AM*



8 November 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Civil Rights Commission

There are two existing vacancies, one created by the resignation of Dean Storey and the other by the resignation of Spottswood Robinson.

To replace Robinson, the best suggestion personally known to me is John Wheeler of Durham, North Carolina. He is a banker, very highly regarded, and a man of great integrity and intelligence and sense. He is presently a member of the President's Committee on Equal Employment Opportunity.

Another suggestion which should be considered is Mrs. Frankie Freeman of St. Louis, Missouri. This is Louis Martin's suggestion. He says that she is well-known and well-thought of, and that her appointment would be helpful, particularly in that part of the country. Louis says that she has the support of both Senators.

To replace Dean Storey, Ramsey Clark recommends Dr. Luther Holcomb of Dallas. I do not know Dr. Holcomb well, but have talked with him and corresponded with him. He is a church leader who was very active at the time of the school desegregation in Dallas. He is well-known in that state.

With respect to the Staff Director, some people at the White House (I think Ralph Dungan and Dan Fenn, at least) recommend Bill Delano, presently General Counsel of the Peace Corps. Sarge Shriver says that

8 November 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Abe Chayes called me about this yesterday. I believe he is going to kill the proposal in the Legal Advisor's office. He is very much against it.

BM

Attachment

Memo abt. UN Rapporteur for Human Rights

-2-

Delano would be good, but that he is not pressing his appointment. The White House recommendation, to the extent there is one, may be as a solution to a problem concerning Delano's proposed appointment as General Counsel of the Air Force. I understand that this has been recommended by the Defense Department but that there is opposition because of Delano's political alignments in New York. Kenny O'Donnell would know about that. There are others interested in that job. One person who would be very good is Harold Fleming, but I have no idea of whether he is interested or not.

BN

November 5, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

I have discussed this with Jack Miller and Lou Oberdorfer. The federal interest would be in his taxes. We could ask IRS to go into that. We would have to prove he (1) got the money, and (2) kept it. The claim will be made that there were campaign deficiency contributions but nothing more.

Governor Coleman thinks there was money, but that it was for political purposes. He also feels that an investigation will run into the Senate campaign.

Lou thinks we should go ahead. Jack thinks nothing will come of it.

On the whole, I think we should proceed to investigate.

RM

0 1 AGH  
October 30, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

The attached memorandum from Henry Putzel is for your information, on the pet food food case in California.

BM



Copies of this were sent to  
following persons 10/2/63:

Attorney General  
AAG Marshall  
Mr. Nolan  
Mr. Guthman  
Miss McGrory  
Dr. Irwin Miller  
Mr. Knight  
Justice White  
Justice Black  
Mr. Tweed  
Mr. Segal  
Mr. Cutler

OFFICE OF THE  
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OCT 2 1963

ATTORNEY GENERAL

25 October 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

I am glad to inform you that we have won very substantial judgments from Judge Dawkins in Jackson Parish and Madison Parish (two cases), Louisiana. The judge went far beyond what he had done in any other case in giving the registrars instructions in detail on the manner in which Negro applications should be handled.

It is my guess that Judge Dawkins' action is based upon a desire not to have to repeat the process of personally handling Negro applications, as he had to do in East Carroll Parish. He has been a conservative judge in the past.

These cases were well-prepared and well-tried, principally by Frank Dunbaugh, Richard K. Parsons, and Dave Norman.

EM

8 October 1963

MEMORANDUM TO THE ATTORNEY GENERAL

James Head is the owner of a large stationery business in Birmingham. He has been out in front on these issues for months, and has been helpful to me. He is identified as a liberal on race matters, and accordingly has had little influence on the city as a whole. But even at that, I think this is the first time that he has publically urged changes because they are right, rather than because the existing situation is bad for business.

Charles Zukoski was Executive Vice-President of the largest bank in Birmingham. I think it fair to say that he was fired last year for suggesting out loud that public schools should be kept open. I understand that he is doing some consulting for the International Monetary Fund.

I think it would be good if you wrote them letters. Their letter is great.

BN

7 October 1963

**MEMORANDUM TO THE ATTORNEY GENERAL**

The attached concerns a suggestion that the United States propose the creation of a U.N. Rapporteur for Human Rights. This would be done by General Assembly Resolution and would expand U.N. activity in the field somewhat beyond that of present Human Rights Commission. The suggestion is set forth in the cable from Ambassador Stevenson.

The proposal is intended to be limited to avoid having our lines washed in the United Nations. I do not know if that danger can be avoided in any proposal that expands the U.N. role in this area. However, the point is made that a pending U.S. proposal could be used as an argument against any resolution directed more specifically at the U.S.

The State Department wanted you to be informed that this suggestion is drifting up through channels.

BN

October 4, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Voting Suits

If we are not overtaken by other events which require the time of too many lawyers, I plan on the following suits between now and the end of the year. All of these are conditional upon unsuccessful negotiations, some of which are already underway:

LOUISIANA

1. Against the State challenging the use of application cards as an examination. This would particularly affect practices in New Orleans, Baton Rouge and Shreveport. This is not negotiable since we are challenging the constitutionality of the practice.
2. St. Helena Parish. This is prepared but not negotiated. About 11% of the Negroes of proper age are registered, but almost 80% of the recent applicants have been rejected, as against a 10% rejection rate of whites.
3. East Feliciana Parish. There are about 100 Negroes registered, but there is both intimidation and discrimination in the application of standards. This is in preparation, and will be ready shortly.
4. West Feliciana Parish. There are no Negroes registered. This case is prepared, has been negotiated, and should be filed this month. We are also preparing a 1971(b) case to prevent intimidation by the Sheriff unless they agree to drop criminal charges against a registration worker.

ALABAMA

1. Hale County. A complaint will be ready this month; to be negotiated.
2. Sumter County. A complaint will be ready this month; to be negotiated.
3. Etowah County. This is ready and is being negotiated.
4. Wilcox County. This is an intimidation case which is in preparation.
5. Autauga County. This is not prepared but will be before December 1.
6. Russell County. This is not prepared but will be before December 1.
7. Lowndes County. This is not prepared but will be before December 1.

MISSISSIPPI

1. Lauderdale County. In negotiations which will be unsuccessful.
2. Leake County. In negotiations which will be unsuccessful.
3. Copiah County. In negotiations which will be unsuccessful.
4. Warren County. In negotiations which will be unsuccessful.

GEORGIA

We are preparing an intimidation case in Webster County.

2 October 1963

MEMORANDUM TO THE ATTORNEY GENERAL

Re: Bay County, Florida

This is an impact-area school county with which we conducted negotiations in the spring. After obtaining agreements for desegregation from neighboring counties we finally obtained a commitment from Bay County that they would accept Negro students into the white schools under the Florida Pupil Placement statute. The neighboring counties did this this fall. Bay County has rejected two qualified Negro students and has refused even to discuss the matter with us. In addition, I am informed that the office of the Florida Attorney General, which has been very cooperative in the past, has been unable to get any satisfaction from the County authorities.

Since this involves a broken commitment, I have concluded that we have to file suit in the county. This is particularly necessary in view of the fact that two neighboring counties made similar commitments and lived up to them.

BM

1 October 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

**Re: "Military" Public Accommodations Statute**

The law prohibiting discrimination in places of entertainment or amusement against persons wearing the uniform of any of the armed forces "because of that uniform" is a criminal statute which was first passed in 1911 and has been reenacted and slightly modified several times since then. It is now codified in 18 U.S.C. 244. It is limited in applicability to the District of Columbia and the territories and possessions of the United States, and was therefore presumably passed pursuant to the special authority of Congress to legislate with respect to federal territory. In my view, it has no bearing on the broader constitutional questions involved in our present legislation.

This does point up the double standard used by those who claim to be against the bill because of an invasion of property rights, or some other reason unconnected with race.

**Burke Marshall  
Assistant Attorney General  
Civil Rights Division**



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laubed no sua bus jartelinas.

1930-1931

1. The Board of Directors of the  
2. Company has authorized the  
3. President to execute any and  
4. all contracts, leases, and  
5. agreements, and to do all  
6. other acts and things which  
7. may be necessary or  
8. proper in the management  
9. of the business of the  
10. Company.

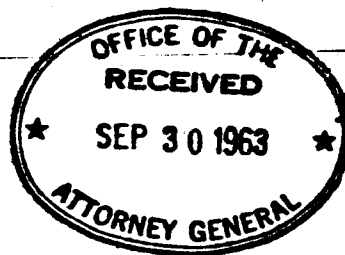


**30 September 1963**

**MEMORANDUM FOR THE ATTORNEY GENERAL**

Attached is a copy of the plan for Montgomery, Alabama, which is being pushed by SNCC, and particularly Rev. James Bevel. Bevel is in Birmingham now, recruiting students for the movement. This could provide a major crisis.

**BN**



Dear Sirs:

Attached is a copy of the "proposed plan of action" adopted by Diane Nash Bevels and other SNCC members in Birmingham several days ago. The wording is not exact, since I hastily copied this in longhand when shown to me by Rev. Fred Shuttlesworth. To the best of my knowledge copies of the plan are being distributed to all of the leading SNCC people for consideration, and they plan to meet in the very near future to make definite plans and set up a timetable.

There is also some general talk about organizing a "march on Montgomery" as suggested by Rev. Ralph Abernathy last week, but it does not appear that the idea is "catching on" at present.

Thelton Henderson

### PROPOSED PLAN OF ACTION

1. Removal of Wallace from the Governorship of Alabama.
2. Every 21 year old resident of Alabama can register to vote.

### PREPARATION

1. Immediately recruit Alabama students and adults for non-violent training. School and headquarters in Montgomery. Program must include:
  - a. Non-violent workshop
  - b. Marching and drills in command and co-ordination of little groups.
  - c. Group morale while imprisoned.
  - d. Drill in dealing with hoses, dogs, tear gas, cattle prods, brutality, etc.
  - e. Practice in blocking roadways, train tracks, etc.
  - f. Elementary politics including an analysis of objectives of this program.

### DECLARATION

A written case against Governor Wallace to be presented and a declaration that within our conscience his government is null and void.

### RESOLUTION

Severing communication from state Capitol building and Montgomery city

1. Surrounding capitol building so as to block vehicles entering or leaving building. Also so as to block pedestrian traffic.
2. Keeping busy all phones in the capitol building by calling and talking about freedom.
3. Lying on railroad tracks, and bus driveways. Cutting off bus, train and plane transportation.
4. Organize a general work strike.
5. Study the tax set-up and refuse to pay taxes in the most feasible manner.
6. Wear overalls and something black at all times. (armbands maybe)

7. Establish instructive mass meetings several times a week in several towns. Include training in community service.
8. Demonstrations aimed at federal government to insure our right to vote.
9. Demonstrations at the United Nations to secure the vote.

#### MISCELLANEOUS

This is an Army. Develop a flag and an insignia or pin or button. Use candlelight and kerosene lamps and close down the power company. Many other such possibilities. Ask Kennedy not to recognize Wallace's government and cut off federal funds.

#### WHAT WE DO NOW

Start recruiting Birmingham students to train and then to demonstrate and also to be used to recruit students in Montgomery and other citizens.

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*Thelton Henderson*

Thelton Henderson

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2

1

2

(C)

30 September 1963

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BN





0 -0  
27 September 1963

Honorable Harrison A. Williams, Jr.  
United States Senate  
Washington 25, D. C.

Dear Senator:

The Attorney General sent me  
your letter of September 25, and the  
copy of the article from the Plainfield  
paper. I am glad his letter received  
some attention and did some good.

Sincerely,

Burke Marshall  
Assistant Attorney General  
Civil Rights Division

UNITED STATES GOVERNMENT  
**Memorandum**

*oA Go*

TO : Andrew F. Oehmann, Executive  
Assistant to the Attorney General

DATE: September 23, 1963

*WJB* FROM : William J. Molloran, Executive Assistant  
Civil Rights Division

SUBJECT: Attorney General's Book of Important Cases

Attached is one new item in the case of

United States v. James Ramey, Jr., and Louis Ramey.

*Probe*  
*This is the kind*  
*of thing that we*  
*are looking for*

*very*

*you report*  
*people have*  
*lost this much*  
*of money.*

*just how many*  
*to understand how things*  
*are done in court*  
*to*

*PS, fed*  
*off*  
*plan*

Andrew F. Oehmann, Executive  
Assistant to the Attorney General

September 23, 1963

William J. Holloran, Executive Assistant  
Civil Rights Division

Attorney General's Book of Important Cases

Attached is one new item in the case of  
United States v. James Ramey, Jr., and Louis Ramey.

**CIVIL RIGHTS DIVISION - CRIMINAL CASE**

**United States v. James Ramey, Jr. and Louise Ramey**  
**(S.D. West Va.).**

On September 18, 1963, a grand jury in Bluefield, West Virginia, returned a two-count indictment against a Wayne County Constable and his wife, a Justice of the Peace. Investigation of the arrest of a Wayne County Republican election official in the early hours of the morning of the 1962 General Election disclosed that the constable arrested and incarcerated the election official on a fictitious complaint and warrant for rape issued by the constable's wife.

Count one of the indictment charges the constable with wilfully depriving the election official of his right not to be deprived of his liberty without due process of law and of his right to be immune from illegal arrest and incarceration by and at the instance of a person acting under color of law.

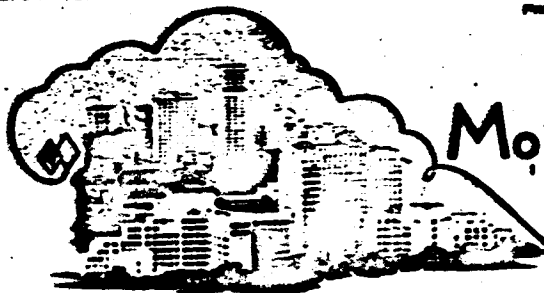
Count two charges that the constable and his wife, acting under the laws of the State of West Virginia wilfully conspired to violate the provisions of Section 242 of Title 18, United States Code.

**File 72-84-33**  
**Docket 12,176**

H. P. GILBERT, EXECUTIVE VICE-PRESIDENT  
J. B. GRIMMER, VICE-PRESIDENT  
MARSHALL HAYNES, JR., VICE-PRESIDENT

ELLIOTT T. WILLIAMS  
CHAIRMAN OF BOARD  
JAMES S. MORGAN  
PRESIDENT

C. M. WILLIAMS, VICE-PRESIDENT  
E. T. WILLIAMS, JR., VICE-PRESIDENT  
C. E. SCHMIDT, SECRETARY



# Molton, Allen & Williams

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*Realtors... Insurers*

ALPINE 1-6141

524 TWENTY-FIRST STREET NORTH  
BIRMINGHAM 3, ALABAMA



September 18, 1963  
In Our Seventy-seventh Year

Office of the Attorney General  
Washington,  
D. C.

Attention: Mr. Burke Marshall

Sir:

I was born in Birmingham, Alabama; have lived here 41 years; graduated from the University of Alabama; served in World War II, and the Korean War; and have been reasonably successful in Birmingham. I have worked on a great many of the good things that have happened in this city, and I am now on the Board of the Red Cross, YMCA, Real Estate Board, Downtown Improvement Association and several others. My wife attended Smith College. We have three children. In fact, my wife is now in the Alumni group of Smith College representing the South. I give you this only as background information.

In today's "Birmingham News" Mr. James Free indicates that lack of communication is, in your judgment, the real problem in Birmingham. I certainly agree that lack of communications in the past have certainly not helped the situation; but I think that the very essence of the Birmingham problem is --

On one side you have a Negro group; Martin Luther King, Shuttlesworth, A. D. King, and other outsiders, stating to the national press and constantly bragging on their great victories in Birmingham. On the other side you have George Wallace, the Governor of the state and a very dedicated man, telling the people of Alabama to stand up for Alabama; and many people in Birmingham and in all of Alabama and

*To Attorney General will be:  
This shows how far we are  
from any understanding or  
interest. Please return  
for*

Office of the  
Attorney General

-2-

September 18, 1963


throughout the South feel sincerely that somewhere some group must do everything possible to preserve a way of life they have known for many years and to fight integration and federal encroachment in every way possible.

In your interview it seems you made a statement that no official of the community had offered to meet with the Reverend Martin Luther King or the Reverend Fred Shuttlesworth. I honestly do not see how any government official or business group or church group in the Birmingham area could with good conscience sit down with this element and discuss Birmingham problems. In the past several months there have been some community meetings in this area to which substantial Negro citizens have been invited and have attended; but Mr. King and his associates have made and are continuing to make a real effort to brand most of the local leadership "Uncle Toms" and to associate them with a moderate approach on integration.

May I respectfully say I agree with you on communication between the races in this or any community; but I very frankly and sincerely say I do not think the citizens of Birmingham under any circumstances should negotiate with the likes of Martin Luther King, Shuttlesworth, or others from the outside. I think something else would help.

There have been implications and insinuations that the bombers in the Birmingham area are local people who are using these bombings as a method of expressing their opposition to forced integration. These people should be caught and maximum punishment should be dealt out; but I honestly think that the administration should give serious thought to those who profit most from these activities. I cannot believe even the bitterest individual would bomb a church just because of integration, and I further do not believe that a group that many assume have done this bombing, i. e., the uneducated, emotional, unstable Southern White, is capable of resisting the large reward being offered for the apprehension of those guilty. I recognize the fact that it is an easy out for many to simply blame the bombing on the Communists or the Black Muslims; but it is possible that those who could gain a great deal by keeping racial tensions up through this type hit and run work could be the perpetrators.

Yours truly,

  
Marshall Haynes, Jr.

MHJr/mf



20 September 1963

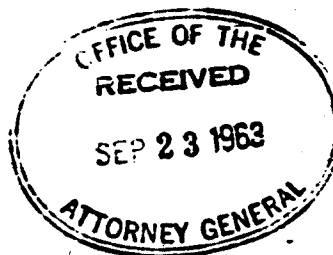
MEMORANDUM TO THE ATTORNEY GENERAL

This shows how far we are from  
any understanding or tolerance. Please  
return.

BM

*Put*

Attachment



September 18, 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Birmingham School Statistics

The following are the school statistics since September 9 through today:

	<u>Ramsey High School</u>	<u>West End High School</u>	<u>Graymont Elementary School</u>
September 9	876	1,328	51
September 10	916	576	116
September 11	889	350	143
September 12	834	403	181
September 13	835	512	203
September 14	776	466	127
September 17	852	754	175
September 18	876	994	219

The enrollment at Graymont is 227; at Ramsey 916; and at West End 1,442.



- 18 September 1963

**MEMORANDUM TO THE ATTORNEY GENERAL**

In response to your inquiry on this, it appears from the investigation to date that the police conduct in general was outrageous. We will have a serious problem identifying particular acts with particular officers. However, I am trying to develop a broader kind of case against this sort of repressive and violent police action. We have one, for example, in Danville, Virginia, but I think it would not be wise to bring it there. It may be that one can be developed on the Plaquemines incident. I will keep you advised.

BN

Attachment (FBI memo dtd. 9/3 on  
Plaquemines, La.)

Kennedy  
21

16 September 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

You asked me for comments on Ramsey Clark's thoughtful memorandum, written after his school trips. My comments follow.

Suggestion No. 1 is basically implemented already through Title III of the omnibus bill. The bill does not provide for desegregation plans being drawn up by HEW, who opposed that approach. But I would recommend a plan of orderly negotiations in picked districts if the Title is passed, and that would accomplish the same end.

Suggestion No. 2 can also be put into effect if the bill is passed. If it is not, I am confident we could stimulate private action such as Ramsey suggests, before next fall.

Suggestion No. 3 is sound, but beyond control.

Suggestion No. 4 will come about if the Department gets into this business under the legislation.

Suggestion No. 5 is something I have discussed with Judge Tuttle. I think it impossible, but it would do no harm to talk sometime to the Chief Justice. I think we should wait until the legislation is acted on. (Do you think we should have Judge Cox or Judge Elliott head this effort?)

Suggestion No. 6 should be acted on if the legislation is passed.

BN

cc: Messrs. Katzenbach  
Clark

13 September 1963

MEMORANDUM FOR THE ATTORNEY GENERAL

I don't know whether you saw this.

It is a good statement, and was prominently used by the Birmingham News.

BN

Attachment - Lawyers' Statement

13 September 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

I don't know Seymour Harris.  
Whether this produced anything would  
depend on who came and how good he is.  
It sounds very vague. Perhaps you  
should ask him what kind of agenda  
they would have, what would be  
discussed.

BN

Attachment

12 September 1963

MEMORANDUM FOR THE PRESIDENT

Re: School Desegregation

The following are the principal school districts which were desegregated this month, together with the names of the persons who are most responsible for what success there was in the desegregation process:

LOUISIANA

Baton Rouge - (work by citizens, particularly Douglas Manship and B.D. Taylor)

ALABAMA

Mobile -  
Tomball - (Supt. Pruitt; Sheriff Hornsby)  
Birmingham - (Mayor Boutwell; Executive Secretary William Hamilton; Chief Jamie Moore; Sheriff Mel Bailey)

Florence - Florence State College  
Montevalle -

GEORGIA

Savannah - (Mayor Malcolm MacLean; if one person is to be mentioned, he is the most outstanding of the civic leaders involved in all the cities)

Athens -

**SOUTH CAROLINA**

Charleston -  
Columbia - University of South Carolina

**FLORIDA**

Jacksonville - (Chamber of Commerce headed  
by C. W. Beaufort)

Tallahassee -  
St. Augustine -

**NORTH CAROLINA**

Edenton -

**VIRGINIA**

Powhatan County -  
Prince George's County -  
Beverly -

**MARYLAND**

Cambridge -

**ARKANSAS**

Pine Bluff -

**TEXAS**

Fort Worth -

6 September 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

John McNally will be staying at the Onesto Hotel in Canton, Ohio, starting tonight.

The occasion is the opening of the professional football Hall of Fame at Canton. McNally and ten other players, plus four owners, are the charter members. Byron will participate in some fashion by making the presentation.

The other charter members are:

Sammy Baugh  
Dutch Clark  
Red Grange  
George Hallis  
Mel Hise  
Cal Hubbard  
Don Hutson  
Curly Lambeau  
Bronko Nagurski  
Ernie Nevers

Deceased

Joe Carr  
Bert Bell  
Pete "Fats" Henry  
Jim Thorpe  
Tim Mara

21 August 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

**Re: School Desegregation in Alabama**

We have taken the following steps:

1. The original of a Proclamation and Executive Order has been sent to General Clifton in Hyannisport. Both documents are appropriate for either Tuskegee or Birmingham, but not for both.

Unless it is called off by noon on Tuesday, one battle group (1350 personnel) will be put on a 30 minute alert for Wednesday at Fort Campbell, Kentucky. This will enable this group to be in Birmingham, on duty, five and one-half hours from call. In order to accomplish this, it is necessary to collect 100 trucks for troop movement in Fort McClellan. This is being done over the weekend. The trucks already there will be kept there, and such additional trucks as are necessary will be moved to the Base in small groups from various locations.

2. On Tuesday evening, there will be four Army personnel sent to Birmingham for Hixon. We will have John Dear there unless his presence is still required in Tuskegee. If his presence is required in Tuskegee we should send Joe Delon to Birmingham. We already have two additional lawyers there who are working on preliminaries in the event that it is necessary to seek injunctions against groups interfering with school desegregation.



3. For Tuskegee on Monday there will be 500 military on alert at Fort Benning. 150 of these will be ready to proceed by helicopter to Tuskegee. The rest will proceed by road, but can arrive in Tuskegee two and one-half hours after call.

4. On Sunday, the Army is sending one officer from General Billingsley's command to handle liaison with John Darr.

5. There will be 16 deputy marshals on call in Tuskegee on Monday morning. Five of these are from Florida, and the rest are from Washington. They will rent cars in different places and will not spend the night in Tuskegee. They will each drive through Tuskegee on Sunday. They are equipped with tear gas bladders and one tear gas cannister each, plus side arms. The FBI will have radio cars available to maintain contact. One FBI car will observe each of the highways leading into Tuskegee on Monday morning.

6. At the PTA meeting in Tuskegee on Friday evening, only four persons out of more than 200 spoke against the action of the schoolboard in admitting Negro students. A motion was made to invite the Governor to Tuskegee for Monday, but it was not even seconded.

BM

cc: The Deputy Attorney General

22 August 1963

**MEMORANDUM FOR THE ATTORNEY GENERAL**

I have considered the people in this Division for Bert Bernhard's job, and decided Bob Owen would be best from here, apart from John Dear who does not want it and who cannot be spared. Owen's drawback would be a lack of experience in public appearances, outside the courtroom. I think that less important than other factors — particularly good sense and loyalty. Attached are John Dear's views. In other Divisions, I think Howard Willens in Criminal, Bill Doolittle in Civil, John Jones at least in Tax, and Steve Pollack (if your bill doesn't get through) are possibilities.

BM

Attachment